

Faubion.	Lipscomb.
Faulk.	Martin.
Faust.	McKamy.
Grinnan.	Mills.
Hale.	Patteson.
Hanger.	Paulus.
Harbison.	Perkins.
Henderson.	Savage.
Hicks.	Sebastian.
Hill.	Stafford.

Absent.

Morris.	Wilson.
Absent—Excused.	
Davidson of	Harper.
DeWitt.	Willacy.
Decker.	

Bill was read third time, and passed by the following vote:

Yeas—24.

Beaty.	Lienderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
Galveston.	Martin.
Douglass.	McKamy.
Faubion.	Mills.
Faulk.	Patteson.
Faust.	Paulus.
Grinnan.	Perkins.
Hale.	Savage.
Hanger.	Stafford.
Harbison.	

Absent.

Morris.	Wilson.
Sebastian.	
Absent—Excused.	
Davidson of	Harper.
DeWitt.	Willacy.
Decker.	

Senator Hill moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 36.

On motion of Senator Paulus, pending business (Senate bill No. 32) was suspended, and the Senate took up out of its order,

Senate bill No. 36, A bill to be entitled 'An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education of such practitioners, and to insure better sanitary conditions in barber shops, and to prevent the spread of disease in the State of Texas,'

With the following committee amendment:

"Provided, that the provisions of this act shall not apply to towns of one thousand inhabitants or less."

The committee amendment was adopted.

Senator Mills offered the following amendment:

"Amend on page 2, line 28 by striking out 'ten' and inserting 'three.'"

The amendment was read and adopted.

Senator Perkins offered the following amendment:

"Amend by striking out the words 'one thousand' in committee amendment and inserting 'two thousand' in lieu thereof."

The amendment was read and adopted.

The bill as amended was then ordered engrossed.

## ADJOURNMENT.

On motion of Senator Mills, the Senate, at 12:30 p. m., adjourned until 10 o'clock a. m. tomorrow.

## FIFTEENTH DAY.

Senate Chamber,  
Austin, Tex., Wednesday, Feb. 4, 1903.

Senate met pursuant to adjournment. Lieutenant Governor Geo. D. Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Douglass.	Morris.
Faubion.	Patteson.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hale.	Sebastian.
Hanger.	Stafford.
Harbison.	Wilson.
Harper.	

Absent.

Willacy.

Absent—Excused.

Decker.

Prayer by the Chaplain Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday.

On motion of Senator Hill, the same was dispensed with.

## PROTEST.

Senator McKamy offered the following protest, with the request that it be printed in the Journal.

There being no objection, it was so ordered.

Whereas, This court has learned of the effort now being made to abolish the Tyler and Dallas branches of the Court of Criminal Appeals of Texas, and also of the ... to that effect now pending in the Legislature; and

Whereas, Dallas county did through this Court in the erection, construction and furnishing of its court house, in the city of Dallas, at an expense of nearly half a million dollars make ample provisions for the location therein of said Court of Criminal Appeals, providing for it without cost to the State, a suitable room, and for the several judges and clerks thereof, and for the Assistant Attorney General, commodious and comfortable apartments in said court house, on the same floor with said court room; and,

Whereas, Dallas county has ever since the creation of said Court of Criminal Appeals, at heavy expense, and without cost to the State of Texas, furnished and maintained said court room, and has also mainly furnished and wholly maintained said apartments to the satisfaction of said officials of said court, and will continue to do so, so long as said court may remain in its present location; and,

Whereas, Dallas county has recently incurred considerable expense in providing for said apartments, separate and additional heating apparatus and in thoroughly renovating and recarpeting said apartments; and,

Whereas, All of said expense to Dallas county has been by it incurred upon the expectation and consideration that said Court of Criminal Appeals will be permanently located in said court house; and,

Whereas, We believe there exists no valid or sufficient reason for the removal of said court from Dallas, and that such proposed removal would be but beneficial to but a few citizens of Texas outside of the city of Austin, and is against public policy; now, therefore it is hereby

Resolved, And ordered by the commissioners court of Dallas county:

First. That on behalf of Dallas county, and all the people thereof, this Court hereby protests most strenuously against the removal of said Court of Criminal Appeals from Dallas, and hereby calls upon the Legislature of

Texas to leave the locations of the several branches of said Court as now provided by law.

Second. That a certified copy thereof be, by the clerk of this court, forthwith transmitted to the President of the Senate and the Speaker of the House of Representatives, respectively, at Austin, with the request that the same be read and filed.

THE STATE OF TEXAS,  
County of Dallas.

I, Frank R. Shanks, clerk of the county court in and for the county of Dallas, State of Texas, do hereby certify that the above and foregoing is a true and correct copy of resolutions passed by the commissioners court of Dallas county, Texas, requesting the Legislature of the State of Texas, not to remove the Court of Criminal Appeals from the city of Dallas as the same appears of record in the minutes of said court in Vol. 9, page 606.

Witness my hand and seal of office this the 31st day of January, A. D. 1903.

FRANK R. SHANKS,  
Clerk County Court.

By J. L. MARTIN, Deputy.

The Chair laid before the Senate and had read the following telegrams:

Galveston, Texas, January 30, 1903.

*Hon. Geo. D. Neal, Lieutenant Governor, Austin, Texas.*

Please accept for yourself and express to the Senate appreciation of the statesmanship broad as the State manifest in the grade-raising vote restoring and preserving her great port that the commerce of Texas and the west may forever flow to this distributing mouth of the seas.

FRANK M. SPENCER.

Chairman Grade-Raising Committee.

Galveston, Texas, January 30, 1903.

*Hon. R. V. Davidson, Senator, Austin, Texas.*

Galveston expresses to the Senators of Texas her most grateful thanks for the kind treatment received in the passage of the grade-raising bill.

WM. T. AUSTIN,  
H. C. LANGE,  
V. L. AUSTIN,  
I. K. KEMPNER,  
A. P. NORMAN.

Board of Commissioners of the  
City of Galveston.

## COMMITTEE REPORTS.

## BILLS ENGROSSED.

Committee Room,  
Austin, Texas, February 4, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate Bill No. 78, A bill to be entitled "An Act to amend Article 2982, Chapter 4, Title LV, of the Revised Statutes of the State of Texas (1895), pertaining to marriage and divorce,"

And find the same correctly engrossed.  
PATTESON, Chairman.

Committee Room,  
Austin, Texas, February 3, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 70, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the county court of Sutton county; to conform the jurisdiction of the district court thereto, and to repeal all laws in conflict herewith,"

And find the same correctly engrossed.  
PATTESON, Chairman.

Committee Room,  
Austin, Texas, February 3, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 87, A bill to be entitled "An Act to authorize the Missouri, Kansas and Texas Railway Company of Texas to purchase the railroad, as completed or partially completed and in course of construction, of the Granger, Georgetown, Austin & San Antonio Railway Company, between Granger, in Williamson county, and Austin, in Travis county, together with the properties, franchises and appurtenances pertaining thereto, and to own, complete and construct the unfinished parts thereof between Granger and Austin, and operate and maintain the same as a part of its line, with the right to extend the same and construct branches therefrom, by amendment of its charter under the General Laws of the State of Texas, and vesting said companies, and each of them, with the power to make and execute all necessary contracts and agree-

ments and conveyances to effect such purchase and sale,"

And find the same correctly engrossed.  
PATTESON, Chairman.

Committee Room,  
Austin, Texas, February 3, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 85, A bill to be entitled "An Act to authorize the Missouri, Kansas & Texas Railway Company of Texas, organized and existing under the laws of the State of Texas, to purchase or lease the railroad and properties of the Denison & Washita Valley Railroad Company, organized and existing under the laws of the State of Texas, in Grayson county, Texas, together with the franchises and appurtenances pertaining thereto, and to lease or own and operate and maintain the same as a part of its line, and vesting said companies, and each of them, with the power to make and execute all necessary contracts and agreements and conveyances to effect such sale or lease, and also to authorize the Denison & Washita Valley Railway Company to sell or lease all or any part of its railroad and property in the Indian Territory to the Missouri, Kansas & Texas Railway Company, a corporation organized and existing under the laws of the State of Kansas, or the Texas & Oklahoma Railroad Company, a corporation organized and existing under the laws of the Territory of Oklahoma, or either of them."

And find the same correctly engrossed.  
PATTESON, Chairman.

Committee Room,  
Austin, Texas, February 3, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 90, A bill to be entitled "An Act to provide a charter for the city of Marshall, Harrison county, Texas, defining its boundaries, providing officers and prescribing their duties and powers; creating a corporation court and defining its powers and jurisdiction, and declaring an emergency,"

And find the same correctly engrossed.  
PATTESON, Chairman.

Committee Room,  
Austin, Texas, February 3, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Engrossed

Bills have carefully examined and compared

Senate bill No. 81, A bill to be entitled "An Act to prescribe the fees to be paid to county clerks, sheriffs, county attorneys and jurors in judicial proceedings in cases of lunacy; to prescribe who shall pay the same, and to repeal all laws and parts of laws in conflict herewith,"

And find the same correctly engrossed.  
PATTESON, Chairman.

Committee Room,  
Austin, Texas, February 3, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 61, A bill to be entitled "An Act to amend Title IX, Chapter 2, Article 173, of the Revised Civil Statutes of Texas, by adding thereto Article 173a,"

And find the same correctly engrossed.  
PATTESON, Chairman.

#### JUDICIARY NO. 1.

Committee Room,  
Austin, Texas, February 4, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 113, A bill to be entitled "An Act to amend Article 1223, Revised Statutes of the State of Texas, providing the means of service of process upon foreign corporations,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

HANGER, Chairman.

Committee Room,  
Austin, Texas, February 4, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 46, A bill to be entitled "An Act relating to the pendency of any action or suit for the recovery of real estate or to remove cloud from title thereto; prescribing the duties of the county clerk and his fees therefor, and repealing Article 4609 of the Revised Civil Statutes of Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

HANGER, Chairman.

Committee Room,

Austin, Texas, February 4, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 124, A bill to be entitled "An Act fixing the venue in suits upon written contracts,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do not pass*.

HANGER, Chairman.

Committee Room,

Austin, Texas, February 4, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

House bill No. 23, A bill to be entitled "An Act to increase the civil jurisdiction of the county court of Karnes county,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

HANGER, Chairman.

Committee Room,

Austin, Texas, February 4, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

House bill No. 30, A bill to be entitled "An Act to prescribe the time within which statements of fact and bills of exception may be filed in causes tried in the district and county courts of Texas, and to authorize judges whose terms of office have expired to approve the same,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

HANGER, Chairman.

Committee Room,

Austin, Texas, February 4, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

House bill No. 2, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the county court of Zapata county, and to declare an emergency,"

Have had the same under consideration, and I am instructed to report it

back to the Senate with the recommendation that it *do pass*.

HANGER, Chairman.

Committee Room,  
Austin, Texas, February 4, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 122, A bill to be entitled "An Act to amend Article 3391 and Article 3393 and to repeal Article 3395, Title LXIV, of the Revised Civil Statutes of the State of Texas of 1895, relating to local option,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

HANGER, Chairman.

Committee Room,  
Austin, Texas, February 4, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

House bill No. 22, A bill to be entitled "An Act to amend Article 2366 of the Revised Civil Statutes of the State of Texas of 1895, and to repeal Article 2367 of said statute fixing the manner of advertising sales of real estate and under execution, etc.,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

HANGER, Chairman.

#### JUDICIAL DISTRICTS.

Committee Room,  
Austin, Texas, February 4, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Judicial Districts, to whom was referred

House bill No. 205, A bill to be entitled "An Act to create the Fifty-second Judicial District of the State of Texas, composed of the counties of Coryell, Hamilton and Comanche,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*, and that it be not printed.

BEATY, Chairman.

Committee Room,  
Austin, Texas, February 4, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 92, A bill to be entitled "An Act to provide for the holding of two additional terms of the district court in Smith county, and to prescribe the time for holding the same, and also to amend Section 7, Article 22, Title IV, of the Revised Civil Statutes of the State of Texas, changing the time of holding the district court in Smith, Van Zandt, Wood and Upshur counties, and to repeal all laws and parts of laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

BEATY, Chairman.

Committee Room,  
Austin, Texas, February 4, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Judicial Districts, to whom was referred

House bill No. 16, A bill to be entitled "An Act to fix the time for holding court in the counties of the Twenty-second Judicial District, and the terms of court therein; and to repeal all laws in conflict therewith,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

BEATY, Chairman.

#### COUNTIES AND COUNTY BOUNDARIES.

Committee Room,  
Austin, Texas, February 4, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Counties and County Boundaries, to whom was referred

Senate bill No. 102, A bill to be entitled "An Act to create the county of Centralia out of the territory of Tom Green county, and to provide for its organization,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

SEBASTIAN, Chairman.

#### EXECUTIVE MESSAGE.

EXECUTIVE OFFICE,  
STATE OF TEXAS.

Austin, Texas, February 4, 1903.

*To the Senate.*

The advice and consent of the Senate is asked to the appointment of A. T.

Watts as judge of the Sixtieth Judicial District of the State of Texas.

S. W. T. LANHAM,  
Governor.

#### EXECUTIVE SESSION.

On motion of Senator Wilson, tomorrow at 11 o'clock was designated as the time at which the Senate would go into executive session to act upon the foregoing appointment.

#### BILLS AND RESOLUTIONS.

Senator Paulus offered the following resolution:

Senate Concurrent Resolution No. 6.

Be it resolved by the Senate, the House of Representatives concurring, That Hon. M. Kennan, judge of the Twenty-fifth Judicial District of Texas, be and he is hereby granted leave to absent himself from the State during the months of July and August (sixty days) in the year 1904.

Resolution was read second time, and adopted.

By Senator Savage:

Senate bill No. 129, A bill to be entitled "An Act to compel railroads and railway corporations to erect and maintain water closets at passenger stations, to regulate the same, to fix penalties, and authorize suits therefor."

Read first time, and referred to Committee on State Affairs.

By Senator Douglass:

Senate bill No. 130, A bill to be entitled "An Act to amend Article 271, Chapter 1, Title XI, of the Revised Statutes of Texas, pertaining to attorneys at law, by permitting a clerk or deputy clerk of a court of record, who is an attorney, to appear as such in any court of record, except that in which he may be such clerk or deputy, except in cases or proceedings of which the court wherein he is such clerk or deputy may have appellate or revisory jurisdiction."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Hill:

Senate bill No. 131, A bill to be entitled "An Act authorizing the sale of certain portions of the public free school, university and asylum lands to railroad companies owning, operating or constructing railroads in this State, for the location and establishments of town sites, depots, stations, yards and round houses, shops, divisional terminals or water stations; and to prescribe the terms and conditions of such sales; to authorize the Commissioner of the Gen-

eral Land Office to fix the prices of such lands when sold for such purposes."

Read first time, and referred to Committee on Public Lands.

By Senator Hale:

Senate bill No. 132, A bill to be entitled "An Act to amend Title XV, Chapter 4, of the Code of Criminal Procedure of the State of Texas, by adding thereto Article 1129a, relating to fees in examining trials of misdemeanor charges."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Paulus:

Senate bill No. 133, A bill to be entitled "An Act to reorganize the Twenty-fifth, the Thirty-sixth and the Forty-ninth Judicial Districts of the State of Texas, and to prescribe the time of holding the terms of the district courts therein."

Read first time, and referred to Committee on Judicial Districts.

By Senators Hicks and Grinnan:

Senate bill No. 134, A bill to be entitled "An Act to prohibit any corporation or receiver operating a line of railroad in whole or in part in the State of Texas, or any officer, agent or representative of such corporations or receiver from requiring any conductor, engineer, fireman, brakemen, train dispatcher telegraph operator or any trainman who has worked in his respective capacity for sixteen consecutive hours, except in case of casualty, to again go on duty or perform any work until he has had at least eight hours rest, and prescribing a penalty for the violation of this act."

Read first time, and referred to Committee on Labor.

By Senator Davidson of Galveston:

Senate bill No. 135, A bill to be entitled "An Act to amend Sections 1 and 2, of Chapter 111, of the Acts of the Regular Session of the Twenty-seventh Legislature, approved April 18, 1901, so as to provide that school trustees in independent school districts, not in a city or town having an assessor or collector of taxes, shall elect an assessor and collector of taxes, and to prescribe his powers and duties, and the duties of the board with reference to collection of taxes; also for the organization of the board and the elections."

Read first time, and referred to Committee on Education.

By Senators Hicks and Hanger:

Senate bill No. 136, A bill to be entitled "An Act to provide for the purchase of a site and establishment, location, construction and maintenance of a State Juvenile School and Home, and to make an appropriation therefor; to provide

for the government, management and control of said industrial school."

Read first time, and referred to Committee on Asylums.

By Senator Hicks:

Senate bill No. 137, A bill to be entitled "An Act to amend Section 5, of Chapter 19, of the Acts of the Special Session of the Twenty-fifth Legislature, relating to the attendance of witnesses in criminal cases upon district courts, grand juries, and magistrates sitting as examining courts in counties other than that of their residence under subpoena, and to provide for the punishment for disobedience of such subpoenas."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Hale:

Senate bill No. 138, A bill to be entitled "An Act to regulate the employment of children in factories, mills, mines, breweries, manufacturing establishments and other establishments using machinery, and to provide penalties for the violation of same."

Read first time, and referred to Committee on Commerce and Manufactures.

By Senator Mills:

Senate bill No. 139, A bill to be entitled "An Act to amend Article 2469, Chapter 3, of the Revised Statutes, as adopted in 1895, relating to the salaries of county treasurers."

Read first time, and referred to Committee on Counties and County Boundaries.

By Senators Beaty and Paulus:

Senate bill No. 140, A bill to be entitled "An Act providing for the location and establishment of additional State agricultural experiment stations under direction and control of the Agricultural and Mechanical College of Texas; defining the object of such stations; describing how they shall be located, and appropriating thirty thousand dollars for the purpose of carrying this act into effect."

Read first time, and referred to Committee on Finance.

By Senator Beaty:

Senate bill No. 141, A bill to be entitled "An Act to amend an act entitled 'An Act to incorporate the city of Beaumont; to grant it a special charter, and to fix its boundaries,' passed by the Twenty-sixth Legislature, Chapter 12 of the special laws of the said Legislature, approved May 12, 1899, by amending Sections 28 and 36 of said act, and by adding thereto Sections 28a, 28b, 28c, 28d, 28e, 28f, 28g, 36a, 36b, 36c, 36d, 36e, 36f, 36g, 36h, 36i and 36j, defining the jurisdiction and power of the city council with reference to streets, alleys, public

grounds and highways; and the duty of said council in letting contracts for works of improvement and public works in the said city of Beaumont; and by said additional sections defining the jurisdiction of the city council and liability of the citizens of said city, with reference to the construction of sidewalks and pavements of the public streets and highways of the said city; and providing a general system to secure the construction of sidewalks and pavements on public streets and highways of the said city, and the manner whereby due and proper proceeding may be had in order to fix the liability of property owners in respect to such sidewalks and pavements; and providing a method for the collection of such amounts as may become due the city in this connection, and declaring an emergency."

Read first time, and referred to Committee on Towns and City Corporations.

By Senator Beaty:

Senate bill No. 142, A bill to be entitled "An Act to restore to and confer upon the county court of Orange county the general civil jurisdiction provided for by the Constitution and General Laws of the State of Texas; to conform the jurisdiction of the district court of said county to such change, and to repeal all laws and parts of laws in conflict with the provisions of this act, and declaring an emergency."

Read first time, and referred to Committee on Judicial Districts.

By Senators Hanger and Paulus:

Senate bill No. 143, A bill to be entitled "An Act prescribing how and by whom tickets of railroads shall be sold, and providing for the redemption of tickets and parts of tickets unused, and prescribing penalties for the violation of this act."

Read first time, and referred to Judiciary Committee No. 1.

## COMMITTEE REPORTS.

(By unanimous consent.)

Committee Room,

Austin, Texas, January 30, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 5, To amend Section 30, of Article 16, of the Constitution of the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

PERKINS, Chairman.

Committee Room,  
Austin, Texas, February 4, 1903.  
*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 118, A bill to be entitled "An Act to create a special road law for Lamar county," etc.,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass, with the following amendments:

"The heavy rainfall of the past few montas has rendered the public roads of Lamar county well nigh impassible, and as there exists no remedy under existing laws, thereby crates an emergency and an imperative necessity for the suspension of the constitutional rule that requires bills to be read on three several days in each house, and that this act take effect from and after its passage, and it is so suspended and so enacted."

FAULK, Chairman.

Committee Room,  
Austin, Texas, February 4, 1903.  
*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 6, A bill to be entitled "An Act to create a more efficient road law for Henderson county," etc.,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass, with the following amendments:

"Amend by adding after the word 'qualified,' in the second line, on page 2, the following: 'The commissioners court shall appoint a county road superintendent, after the passage of this law, who shall hold his office till the next general election.'"

"Amend by adding the following on page 3, line 12, after the word 'bridges': 'Upon the requisition of the county road superintendent.'"

"Amend by striking out the word 'the' in line 14, page 3, and substitute therefor the word 'such,' and add after the word 'county,' in line 15, page 3, the following: 'As is hereinafter provided.'"

"Amend by striking out the words '\$100,' in line 5, page 5, and insert in lieu thereof the words '\$10.'"

"Amend by striking out the words '\$50,' on page 6, line 11, and insert in lieu thereof the words '\$10.'"

"Amend by striking out the words 'hand so failing to work,' in lines 30 and 31, page 7, and inserting in lieu thereof the words 'each failure to make such complaint.'"

"Amend by striking out the words 'as is provided in this section,' in line 10, page 8, and insert in lieu thereof the words 'upon conviction by fine not less than \$5 nor more than \$10 in each case.'"

"Amend by striking out the words '\$200,' in line 2, page 10, and inserting in lieu thereof the words '\$25,' and also by adding the words 'or to procure materials to build any road,' after the word 'thereof,' in line 4, page 10."

"Amend by striking out all of the words in Section 21, page 11, after the word 'meeting,' line 7, to and including the word 'straighter,' in line 8."

"Amend by striking out the words 'he may,' in line 5, page 14, between the words 'both' and 'be,' and insert therein the word 'to' in lieu thereof."

"Amend Section 32 by adding thereto the words 'provided no such bond shall be sold at less than its par value.'"

"Section 31a. All taxes collected for road and bridge purposes under any law now in force shall be placed by the county treasurer to the credit of the road and bridge fund, and it shall be used only for the purposes provided for in this act, and the commissioners court shall not have the power to use or appropriate same for any other purpose, and any person or persons violating the provisions of this section shall be prosecuted for a misdemeanor and upon conviction, fined in any sum not less than \$25 nor more than \$100."

"Amend by adding Section 34: 'Owing to the fact that there is no sufficient road law in Henderson county, an emergency and an imperative public necessity is thereby created, that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in full force from and after its passage, and it is so enacted.'"

FAULK, Chairman.

Morning call concluded.

#### PENDING BUSINESS—SENATE BILL NO. 32 ON THIRD READING.

The Chair laid before the Senate, regular order for this hour, on its third reading,

Senate bill No. 32, A bill to be entitled "An Act to amend Article 4905, Title CI, Chapter 1, of the Revised Civil Statutes of the State of Texas."

Bill was read third time, and passed.



Senator Paulus moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 21 ON SECOND READING.

The Chair laid before the Senate, regular order for this hour, on second reading.

House bill No. 21, A bill to be entitled "An Act to amend Article 351 of the Penal Code of the State of Texas of 1895, relating to the crime of incest."

Senator Stafford offered the following amendment:

"Amend by inserting 'first cousin' after the word 'sister,' in line 20."

The amendment was read, and lost by the following vote:

#### Yeas—11.

Cain.	Hicks.
Davidson of	Martin.
DeWitt.	Paulus.
Faubion.	Perkins.
Faulk.	Sebastian.
Hale.	Stafford.

#### Nays—15.

Brachfield.	Henderson.
Davidson of	Hill.
Galveston.	Lipscomb.
Douglass.	McKamy.
Faust.	Mills.
Grinnan.	Patteson.
Hanger.	Savage.
Harper.	Wilson.

#### Present—Not voting.

Beaty.

#### Absent.

Harbison.	Willacy.
Morris.	

#### Absent—Excused.

Decker.

(Senator McKamy in the chair.)

Senator Davidson of DeWitt offered the following amendment:

"Amend line 19 of the bill at the end of said line by striking out the word 'haif,' and inserting in lieu thereof the word 'half.'"

The amendment was read and adopted.

The bill was read second time, and passed to third reading.

#### SIMPLE RESOLUTION.

Senator Lipscomb offered the following resolution:

Whereas, The services of an additional porter are needed in the cloak room of the Senate; that Jim Hill served several days in said capacity, by order of the

Lieutenant Governor, and his services were very satisfactory; therefore, be it

Resolved, That Jim Hill, of Waller county, be appointed to perform the services of said position, or any other duty he may be called upon to perform, and receive the same pay per day that other porters are receiving.

Resolution was read second time, and lost.

#### HOUSE BILL NO. 205.

On motion of Senator Grinnan, pending business,

House bill No. 82, A bill to be entitled "An Act making an appropriation to pay for publishing the constitutional amendments proposed by the Twenty-seventh Legislature,"

Was suspended, and the Senate took up, out of its order,

House bill No. 205.

The Chair laid before the Senate, on its second reading,

House bill No. 205, A bill to be entitled "An Act to create the Fifty-second Judicial District of the State of Texas, composed of the counties of Coryell, Hamilton and Comanche; to provide for the present district judge of the Forty-second Judicial District until the next general election, and to provide for the appointment of a district attorney for the Fifty-second Judicial District; to amend Section 2, Chapter 51, of the Acts of the Twenty-fifth Legislature, approved April 3, 1897, reorganizing the Forty-second Judicial District of Texas; to amend Section 29, Article 22, Title IV, of the Revised Civil Statutes of 1895, by reorganizing the Twenty-ninth Judicial District; to provide for the appointment of a judge for the Forty-second Judicial District; to fix the time of holding court in all the above named districts; to validate all writs and other process heretofore issued out of the district courts of the said Twenty-ninth and Forty-second Judicial Districts of Texas; to repeal all laws and parts of laws in conflict herewith, and to declare an emergency."

On motion of Senator Grinnan, the Senate rule requiring committee reports to lie over one day was suspended.

Senator Beaty offered the following amendment:

"Amend caption of the bill by adding after the word 'district,' in line 15, page 1, printed bill, the following: 'To amend an act to change and fix the terms of holding court in the Thirty-ninth Judicial District of the State of Texas, passed by the Twenty-sixth Legislature and approved May 9, 1899.'"

"Amend the engrossed bill by striking out House amendments one and two and by striking out all of Section 2 of

the bill, and inserting in lieu thereof the following: Section 2. The Forty-second Judicial District of Texas shall be composed of the counties of Taylor, Callahan, Shackelford, Stephens and Eastland, and the terms of district court shall be held annually therein as follows:

One term of said court in the Forty-second Judicial District shall begin in the county of Eastland on the first Monday in January and the first Monday in July, and may continue in session eight weeks.

One term shall begin in the county of Taylor on the eighth Monday after the first Monday in January and the eighth Monday after the first Monday in July, and may continue in session seven weeks.

One term shall begin in the county of Shackelford on the fifteenth Monday after the first Monday in January and the fifteenth Monday after the first Monday in July, and may remain in session three weeks.

One term shall begin in the county of Callahan upon the eighteenth Monday after the first Monday in January and the eighteenth Monday after the first Monday in July, and may continue in session four weeks.

One term shall be held in the county of Stephens on the twenty-second Monday after the first Monday in January and upon the twenty-second Monday after the first Monday in July, and may continue in session four weeks."

And between lines 23 and 24, page 4, engrossed bill, the following:

"That the Thirty-ninth Judicial District of the State of Texas shall be composed of the counties of Jones, Fischer, Scurry, Kent, Stonewall, Haskell, Throckmorton, and the terms of the district courts therein shall be held as follows:

One term shall be held in the county of Jones on the first Mondays in January and July of each year, and may continue in session six weeks, and the terms of court in each of the other counties composing said district shall be as now provided by law."

The amendment was read and adopted. Bill as amended was then passed to a third reading.

On motion of Senator Grinnan, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Beaty.	Davidson of
Brachfield.	Galveston.
Cain.	Douglass.
Davidson of	Faubion.
DeWitt.	Faulk.

Faust.	McKamy.
Grinnan.	Mills.
Hale.	Morris.
Hanger.	Patteson.
Harbison.	Paulus.
Harper.	Perkins.
Henderson.	Savage.
Hicks.	Sebastian.
Hill.	Stafford.
Lipscomb.	Wilson.
Martin.	

Absent.

Willacy.

Absent—Excused.

Decker.

Bill was read third time, and passed by the following vote:

Yeas—29.

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Douglass.	Morris.
Faubion.	Patteson.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hale.	Sebastian.
Hanger.	Stafford.
Harbison.	Wilson.
Harper.	

Absent.

Willacy.

Absent—Excused.

Decker.

(Lieutenant Governor Neal in the chair.)

Senator Grinnan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 51.

On motion of Senator Faulk pending business (House bill No. 82) was suspended, and the Senate took up out of its order, Senate bill No. 51.

The Chair laid before the Senate, on its second reading,

Senate bill No. 51, A bill to be entitled "An Act to repeal so much of Subdivision 13, Article 5049, Chapter 18, Title CIV, of the Acts of the First Called Session of the Twenty-fifth Legislature, as imposes an annual occupation tax of \$5 on every dentist,"

With the following committee amendments:

"Amend by inserting in the caption before the figures '13' the figures '12,' and by adding after the word 'dentist'

in the caption the following 'and as imposes an annual occupation tax of \$5.00 on lawyers,' and by adding Section 2, which shall read as follows:

"Section 2. That part of Subdivision 12, of Article 5049, Chapter 18, Title CIV, of the Acts of the First Called Session of the Twenty-fifth Legislature, as imposes an annual occupation tax of \$5.00 upon every practicing lawyer be and the same is hereby repealed."

Senator Faulk moved that the committee amendments be not adopted.

(President Pro Tem. Davidson of DeWitt in chair.)

Senator Faulk's motion was lost, and

On motion of Senator Stafford, the committee amendments were adopted.

Senator Perkins offered the following amendment:

"Amend by adding to the bill the following: 'This act shall not take effect until the end of the present fiscal year, and no occupation tax which shall have been paid by a dentist or lawyer before the going into effect of this act shall ever be refunded to such person paying the same.'"

Senator Hanger offered the following substitute for the amendment:

"Provided, no taxes provided for in this act heretofore paid shall ever be refunded to the parties paying the same."

Senator Perkins accepted the substitute, and

The amendment as substituted was adopted.

Senator Faulk offered the following amendment:

"The fact that the occupation taxes on dentists and practicing lawyers are unjust, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this act take effect and be in force from and after its passage, and it is so enacted."

The amendment was read and adopted.

Bill read second time, and ordered engrossed.

Senator Faulk moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill put on its third reading and final passage.

The motion was lost by the following vote:

Yeas—20.

Davidson of	Faust.
Galveston.	Grinnan.
Douglass.	Hale.
Faubion.	Hanger.
Faulk.	Harbison.

Hicks.  
Hill.  
Lipscomb.  
Martin.  
McKamy.  
Mills.

Morris.  
Paulus.  
Perkins.  
Sebastian.  
Wilson.

Nays—6.

Brachfield.  
Cain.  
Harper.

Henderson.  
Patteson.  
Savage.

Present—Not voting.

Davidson of  
DeWitt.

Absent.

Beaty.  
Stafford.

Willacy.

Absent—Excused.

Decker.

#### PENDING BUSINESS—HOUSE BILL NO. 82.

The Chair laid before the Senate, pending business,

House bill No. 82, A bill to be entitled "An Act making an appropriation to pay for publishing the constitutional amendments proposed by the Twenty-seventh Legislature."

The bill was read second time, and passed to a third reading.

Senator Hanger moved to suspend the constitutional rule requiring bills to be read on three several days, and place House bill No. 82 on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28.

Beaty.  
Brachfield.  
Cain.

Harper.  
Henderson.  
Hicks.

Davidson of

Hill.

DeWitt.

Lipscomb.

Davidson of

Martin.

Galveston.

McKamy.

Douglass.

Mills.

Faubion.

Morris.

Faulk.

Patteson.

Faust.

Paulus.

Grinnan.

Perkins.

Hale.

Savage.

Hanger.

Sebastian.

Harbison.

Wilson.

Absent.

Stafford.

Willacy.

Absent—Excused.

Decker.

Bill was read third time, and passed by the following vote:

## Yeas—26.

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Douglass.	Morris.
Faubion.	Patteson.
Faulk.	Paulus.
Faust.	Perkins.
Hanger.	Savage.
Harbison.	Sebastian.
Harper.	Wilson.

## Present—Not voting.

Grinnan.

## Absent.

Hale.

Willacy.

Stafford.

## Absent—Excused.

Decker.

Senator Hanger moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

## SENATE BILL NO. 3 SIGNED.

The Chair (Lieutenant Governor Neal) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read.

Senate bill No. 3, "An Act to repeal an act to incorporate the town of Zavala, in Smith county, Texas, passed at the session of the Thirteenth Legislature, approved May 17, 1873."

## FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, February 4, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 247, A bill to be entitled "An Act to amend Article 1525 of the Revised Civil Statutes of the State of Texas, fixing the several terms of the Criminal District Court of Galveston and Harris counties."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

## HOUSE BILL NO. 247 READ AND REFERRED.

The Chair (Lieutenant Governor Neal) had referred, after its caption had been read,

House bill No. 247, A bill to be entitled

"An Act to amend Article 1525 of the Revised Civil Statutes of the State of Texas, fixing the several terms of the criminal district court of Galveston and Harris counties."

Read first time, and referred to Committee on State Affairs.

## PENDING BUSINESS—SENATE BILL NO. 10 ON SECOND READING.

The Chair laid before the Senate, on its second reading,

Senate bill No. 10, A bill to be entitled: "An Act to amend Article 1742, Chapter 5, Title XXXVI, of the Revised Civil Statutes of Texas, relating to the manner of holding elections and returns: therefor."

The bill was read second time.

## COMMUNICATION.

Senator Sebastian offered the following communication, with the request that it be published in the Journal:

Eliasville, Texas, January 26, 1903.

*S. R. Crawford, Esq., Austin, Texas.*

DEAR SIR AND FRIEND: Yours of the 23rd received and fully noted. In answer to same, have this to say. In the last days of November, 1901, having previously made our arrangements with one T. A. Morgan, Amarillo, for pasturage and feed for 300 head of steer calves, we prepared at once to move 227 head, complying with the requirements of the inspection law. Receiving a clear certificate from Inspector Mr. Hill (I believe), we moved them on to Seymour, having cars all ready for shipment. While cattle were in shipping pens before loading, we were required to have the cattle go through another inspection, which was thoroughly and rigidly done. After all, the inspector only found one tick; consequently we were required to hold over ten days. We proposed to the inspector that we would kill the calf that had the tick on him and let us pass with rest of herd that was clear of ticks. To this he would not give his consent, so we were left with cattle in pens seventy miles from ranch without food and no pasture obtainable at any price. In order to save our cattle we had to telegraph for feed at once and lease a place to keep them until the first of May, 1902, at a cost of \$650. At this time they were allowing cattle to pass from there by inspection. We concluded to send for Inspector Mr. Glover, at Benjamin. He informed us that the time was up for passing cattle some two or three days and without an order from the general manager, Mr.

Hawkins, of Quannah, he could not inspect any more. We at once notified Mr. Hawkins by phone that there were two or three herds there at Seymour wanted to pass, so he, Mr. Hawkins, sends Glover down. On his arrival, he remarked: "These are the cattle held over here all winter belonging to Donnely." We told him they were. He went through them very rigidly, throwing them down, making close inspection. Finding but one little old dry tick, he claimed that he must be and surely was alive, and we claimed that he was dead. Consequently we kept "Mr. Tick" and exhibited him to several other men, who pronounced him dead. Among the gentlemen shown the tick, we believe one of them to be Hon. S. R. Crawford. Now, having to surrender to another little tick, we had to take a back track with a loss of twenty-four head, say nothing of expense we were at with this bunch of stuff first and last. *Too much to be thought of.* We are in favor of an inspection law, but would like one that would bear on all men alike. We enclose you the same little tick that was shown you before that gave us much trouble. You must not let him get away, for he is alive and might get on some of your colleagues and give them the fever and we might be held responsible.

All tolerably well. Regards to you and all friends.

Respectfully yours,

(Signed) W. L. DONNELLY.

P. S. Give us an open season, if you can.

Referred to Committee on Stock and Stock Raising.

#### ADJOURNMENT.

On motion of Senator Savage, the Senate, at 12:25 p. m., adjourned until 10 o'clock a. m., tomorrow.

#### SIXTEENTH DAY.

Senate Chamber,  
Austin, Tex., Thursday, Feb. 5, 1903.

Senate met pursuant to adjournment. Lieutenant Governor Geo. D. Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Faubion.
Cain.	Faulk.
Davidson of	Faust.
Galveston.	Hale.
Douglass.	Harbison.

Henderson.	Sebastian.
Hicks.	Stafford.
Hill.	Wilson.
Lipscomb.	Grinnan.
Martin.	Brachfield.
McKamy.	Perkins.
Mills.	Davidson of
Morris.	DeWitt.
Patteson.	Decker.
Paulus.	Harper.
Savage.	Willacy.

Absent.

Hanger.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday.

On motion of Senator Faulk, the same was dispensed with.

#### COMMITTEE REPORTS.

The following committee reports were offered:

#### INTERNAL IMPROVEMENTS.

##### MAJORITY REPORT.

Committee Room,  
Austin, Texas, February 4, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 107, A bill to be entitled "An Act to prohibit the merging, consolidation or combination of corporations in Texas; and prohibiting one corporation from absorbing, obtaining, buying or otherwise acquiring the franchise, property or holdings of another corporation in any manner whatever in Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do not* pass.

DAVIDSON of Galveston, Chairman.

##### MINORITY REPORT.

Committee Room,  
Austin, Texas, February 4, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: A minority of your Committee on Internal Improvements, to whom was referred

Senate bill No. 107, A bill to be entitled "An Act to prohibit the merging, consolidation or combination of corporations in Texas; and prohibiting one corporation from absorbing, obtaining, buying or otherwise acquiring the franchise, property or holdings of another corpo-